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8 Attorneys for Plaintiff and
Cross-Defendant CHURCH OF SCIENTOLOGY
9 INTERNATIONAL

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF MARIN

13 CHURCH OF SCIENTOLOGY	)	CASE NO. 157 680
INTERNATIONAL, a California not-)	
14 for-profit religious corporation;	)	DECLARATION OF LAURIE J.
	)	BARTILSON IN SUPPORT OF
15 Plaintiffs,	)	PLAINTIFF CHURCH OF
	)	SCIENTOLOGY INTERNATIONAL'S
16 vs.	)	OPPOSITION TO DEFENDANT
	)	SOLINA WALTON'S DEMURRER TO
17 GERALD ARMSTRONG; MICHAEL WALTON;	)	COMPLAINT AND MOTION TO
GERALD ARMSTRONG CORPORATION, a	)	STRIKE
18 California corporation, SOLINA	)	DATE: December 16, 1994
19 WALTON, et al.,	)	TIME: 9:00 a.m.
	)	DEPT: 1
20 Defendants.)	TRIAL DATE: May 18, 1995
)	

RECEIVED

DEC 09 1994

HUB LAW OFFICES

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1 I, Laurie J. Bartilson, hereby declare:

2 1. My name is Laurie J. Bartilson. I am a member of the
3 law firm Bowles and Moxon, representing plaintiff in this action.
4 I have personal knowledge of the facts set forth in this
5 declaration and could competently testify thereto if called as a
6 witness.

7 2. This fraudulent conveyance action is presently set for
8 trial on May 18, 1995. A true and correct copy of the order
9 setting this trial date is attached hereto as Exhibit 1.

10 3. In September, 1994, plaintiff Church of Scientology
11 International ("CSI") named Solina Walton, wife of defendant
12 Michael Walton as Doe Defendant No. 1. A true and correct copy
13 of this "Doe" amendment is attached hereto as Exhibit 2.

14 4. Solina Walton is the wife of defendant Michael Walton,
15 who has been a party to this action since its inception. Walton
16 appears as his own attorney, and has now appeared as the attorney
17 for his wife Solina as well. Solina Walton has been Michael
18 Walton's wife ever since this action was initiated. She and
19 Walton reside together in the house located on the disputed Fawn
20 Drive property.

21 5. When CSI undertook to secure its interest in the Fawn
22 Drive property which is the subject of this action via lis
23 pendens, it learned for the first time that Solina Walton claimed
24 an interest in the property.

25 6. During discovery in this action, Walton took 3
26 depositions. One deposition was of a representative of CSI, Lynn
27 Farny, and the others were of other persons to whom Armstrong
28 had fraudulently conveyed assets, Nancy Rodes and Michael

1 Douglas. The total time which he expended asking questions
2 during these depositions was approximately 8 hours. In addition,
3 Walton propounded 1 set of requests for the production of
4 documents to plaintiff CSI, which asked for thirteen categories
5 of documents. This comprised all of the discovery taken by
6 Walton.

7 7. Walton took no discovery prior to the deposition of
8 Lynn Farny, which began on July, 1994. All of Walton's
9 discovery was conducted in less than two months, from July 11,
10 1994 to September 2, 1994. He did it all himself, as a pro se
11 litigant.

12 8. During 1994, CSI attempted repeatedly to enter into
13 settlement negotiations with both Armstrong and Walton. CSI
14 representatives and their counsel met with Armstrong and his
15 lawyer several times to discuss settlement. My co-counsel and I
16 repeatedly tried to begin a dialogue on this subject with Michael
17 Walton as well. When neither Armstrong nor Walton would make any
18 serious effort to discuss the issues presented by these
19 pleadings, it became clear to me and to the other lawyers for CSI
20 that the breach of contract case and the fraudulent conveyance
21 action were both likely to proceed to trial.

22 9. Serving Solina Walton, who claimed an ownership
23 interest in the Fawn Drive property which she states she received
24 after Armstrong's conveyance to Walton, was a necessary adjunct
25 to ensuring that a trial in this matter would not result in yet
26 another uncollectable judgment. At the time Solina Walton was
27 served, I reasonably believed that the then-pending trial date
28 would be continued, allowing Solina Walton ample time in which to

1 conduct any discovery she felt was necessary beyond the discovery
2 taken by her husband. On September 29, 1994, this Court
3 continued the trial to May 18, 1995.

4 10. On November 17, 1994, I wrote to Michael Walson, and
5 offered to stipulate to an extension of the discovery cut-off,
6 pursuant to C.C.P. § 2034(e), until 30 days prior to the new
7 trial date. A true and correct copy of that letter is attached
8 hereto as Exhibit 3.

9 11. On November 21, 1994, Walton responded to my letter.
10 He stated, inter alia, that "I will oppose any motion to reopen
11 discovery in the Marin action." A true and correct copy of that
12 letter is attached hereto as Exhibit 4.

13 12. Solina Walton's sole connection to this litigation is
14 that she claims an ownership interest, with Walton, in some or
15 all of the property which Armstrong conveyed to Walton in 1990.
16 She took her interest, if any exists, from Walton. Thus her
17 defenses to this litigation are derivative from, and identical
18 to, those of Walton.

19 I declare under the penalty of perjury under the laws of the
20 State of California that the foregoing is true and correct.

21 Executed this 8th day of December, 1994, at Los Angeles,
22 California.

23
24 
25 Laurie J. Bartilson
26
27
28

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14 Attorneys for Plaintiff
15 CHURCH OF SCIENTOLOGY
16 INTERNATIONAL

FILED
OCT 25 1994
MARIN COUNTY CLERK
BY: E. [Name]

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 FOR THE COUNTY OF MARIN

19 CHURCH OF SCIENTOLOGY) CASE NO. 157 680
20 INTERNATIONAL, a California not-)
21 for-profit religious corporation,) [PROPOSED] ORDER
22) RE JOINT MOTION FOR
23) CONSOLIDATION AND
24) CONTINUANCE OF TRIAL DATE
25 Plaintiff,)
26)
27 vs.)
28)
29) TRIAL DATE: May 18, 1995
30 GERALD ARMSTRONG; DOES 1 through)
31 25, inclusive,)
32)
33)
34 Defendants.)
35)
36)

37 The joint motion of plaintiff Church of Scientology
38 International ("Church") and defendants Gerald Armstrong and
39 Gerald Armstrong Corporation for consolidation and continuance of
40 trial date is GRANTED. The new trial date is May 18, 1995 at
41 10:00 a.m. The old trial date of September 29, 1994, is vacated.
42

1 The new settlement conference date is May 8, 1995 at 9:00 a.m.
2 The old settlement conference date of September 19, 1994 is
3 vacated.

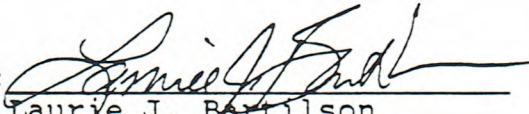
4 Dated: ~~September~~ ^{Oct} ~~19~~ ²⁰, 1994

GARY W. THOMAS
GARY W. THOMAS
Judge of the Superior Court

8 Submitted by:

9 Andrew H. Wilson
10 WILSON, RYAN & CAMPILONGO

11 BOWLES & MOXON

12
13 By: 
14 Laurie J. Bartilson

15 Attorneys for Plaintiff
16 CHURCH OF SCIENTOLOGY
INTERNATIONAL

17 APPROVED AS TO FORM:

18
19 By: _____
20 Ford Greene, Esq.
21 HUB LAW OFFICES
22 Attorney for Defendants
GERALD ARMSTRONG and THE GERALD
ARMSTRONG CORPORATION

23
24 By: _____
25 Michael Walton, Esq.
26 Pro Se

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14 Attorneys for Plaintiff
15 CHURCH OF SCIENTOLOGY
16 INTERNATIONAL

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 FOR THE COUNTY OF MARIN

19 CHURCH OF SCIENTOLOGY)
20 INTERNATIONAL, a California not-)
21 for-profit religious corporation,)

22 Plaintiff,)

23 vs.)

24 GERALD ARMSTRONG; DOES 1 through)
25 25, inclusive,)

26 Defendants.)

27 CASE NO. 157 680

28 [~~PROPOSED~~] ORDER
RE JOINT MOTION FOR
CONSOLIDATION AND
CONTINUANCE OF TRIAL DATE

TRIAL DATE: May 18, 1995

29 The joint motion of plaintiff Church of Scientology
30 International ("Church") and defendants Gerald Armstrong and
31 Gerald Armstrong Corporation for consolidation and continuance of
32 trial date is GRANTED. The new trial date is May 18, 1995 at
33 10:00 a.m. The old trial date of September 29, 1994, is vacated.

FILED
OCT 25 1994

HONORABLE JUDGE
MARIN COUNTY CLERK
BY: E. Kenneth Deane

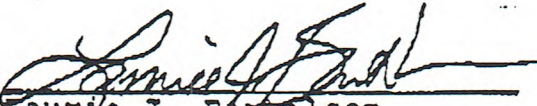
1 The new settlement conference date is May 8, 1995 at 9:00 a.m.
2 The old settlement conference date of September 19, 1994 is
3 vacated.

4 Dated: ^{Cot} ~~September~~ 20, 1994

6 GARY W. THOMAS
7 GARY W. THOMAS
8 Judge of the Superior Court

9 Submitted by: _____

10 Andrew H. Wilson
11 WILSON, RYAN & CAMPILONGO
12 BOWLES & MOXON

13 By: 
14 Laurie J. Bartilson

15 Attorneys for Plaintiff
16 CHURCH OF SCIENTOLOGY
INTERNATIONAL

17 APPROVED AS TO FORM: _____

18 
19 By: _____

20 Ford Greene, Esq.
21 HUB LAW OFFICES
22 Attorney for Defendants
GERALD ARMSTRONG and THE GERALD
ARMSTRONG CORPORATION

23
24
25 By: _____
26 Michael Walton, Esq.
27 Pro Se

28

9-13-94

FILED

SEP 13 1994

HOWARD HANSON
MARIN COUNTY CLERK
by P. Fan, Deputy

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LINDA M. FONG, ESQ., SBN 124232
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10

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 FOR THE COUNTY OF MARIN

13 CHURCH OF SCIENTOLOGY INTERNATIONAL,)
a California not-for-profit)
14 religious corporation;)
15 Plaintiff,)
16 vs.)
17 GERALD ARMSTRONG; MICHAEL WALTON; et)
al.,)
18 Defendants.)

Case No. 157 680

AMENDMENT SUBSTITUTING
TRUE NAME FOR
FICTITIOUS NAME
[CCP §474]

19 _____)
20 AND RELATED CROSS-ACTIONS)
21 _____)

22 Plaintiff CHURCH OF SCIENTOLOGY INTERNATIONAL has learned the
23 true name of the Defendant designated in the complaint as Doe 2, and
24 substitutes the true name, Solina Behbehani-Walton, for the
25 fictitious name wherever it appears in the complaint.

26 Dated: September 13, 1994

WILSON, RYAN & CAMPILONGO

27 _____
ANDREW H. WILSON
Attorneys for Plaintiffs
28

WILSON, RYAN & CAMPILONGO
235 Montgomery Street, Suite 450
San Francisco, California 94104

PROOF OF SERVICE

I declare that I am employed in the City and County of San Francisco, California.

I am over the age of eighteen years and not a party to the within entitled action. My business address is 235 Montgomery Street, Suite 450, San Francisco, California.

I am readily familiar with Wilson, Ryan & Campilongo's practice for collection and processing of correspondence for mailing with the United States Postal Service.

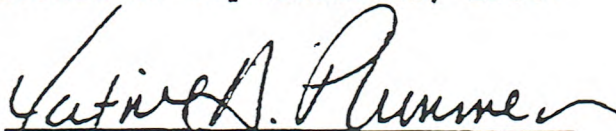
On September 13, 1994, I served the attached AMENDMENT SUBSTITUTING TRUE NAME FOR FICTITIOUS NAME, on the following in said cause, by placing for deposit with the United States Postal Service on this day in the ordinary course of business, true copies thereof enclosed in sealed envelopes. The envelopes were addressed as follows:

Ford Greene, Esq.
711 Sir Francis Drake Boulevard
San Anselmo, California 94979

Michael Walton
707 Fawn Drive
San Anselmo, California 94960

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Francisco, California on September 13, 1994.


YATIVE A. PLUMMER

WILSON, RYAN & CAMPILONGO
235 Montgomery St., Suite 450
San Francisco, California 94104

BOWLES & MOXON
ATTORNEYS AT LAW
6255 SUNSET BOULEVARD
SUITE 2000
HOLLYWOOD, CALIFORNIA 90028

TIMOTHY BOWLES *
KENDRICK L. MOXON #
LAURIE J. BARTILSON †
HELENA K. KOBRIN ‡

(213) 463-4395
TELECOPIER (213) 953-3351

* ALSO ADMITTED IN OREGON
ALSO ADMITTED IN THE DISTRICT OF
COLUMBIA
† ALSO ADMITTED IN MASSACHUSETTS
‡ ALSO ADMITTED IN FLORIDA

November 17, 1994

BY TELEFAX AND U.S. MAIL

Michael Walton, Esq
700 Larkspur Landing Circle
Suite 120
Larkspur, CA 94939

P.O. Box 751
San Anselmo, CA 94979

Re: Church of Scientology International v. Gerald Armstrong et al., Marin County No. 157 680

Dear Mr. Walton:

I am writing concerning plaintiff's demand to inspect the real property which is the primary subject of this lawsuit; that is, the house on Fawn Drive which Gerald Armstrong conveyed to you in August, 1990, and to which your wife now claims title. The demand was served on you and your wife, in a timely fashion, on October 27, 1994. In response, I have received an objection from you alone, which objects that the requested inspection violates your privacy, is irrelevant, burdensome, oppressive, "harassive," and not calculated to lead to the discovery of admissible evidence. You additionally recite C.C.P. § 2024(a) as grounds for your objection. I write this letter in the hope that we may resolve our differences and allow the requested discovery without a need for a motion to compel.

Mr. Walton, as you well know, the house and its value are central issues in this case. Plaintiff seeks this inspection in order to have the house appraised by a professional real estate appraiser. Such a request is hardly "irrelevant." In an action in which the main issues concern the fraudulent conveyance of cash and real property from Mr. Armstrong to you, it is both relevant and likely to lead to the discovery of relevant evidence. Nor would the requested inspection invade your "privacy;" I am certain that between us we can agree upon conditions that will allow the appraiser to complete his inspection in the least intrusive manner possible.

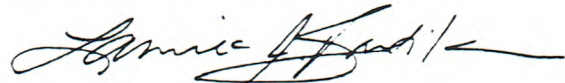
Ford Greene
November 17, 1994
Page 2

While relying for your objection here on C.C.P. § 2024(a), you have simultaneously filed a demurrer to the complaint against your wife in which you complain that she is prejudiced because she may not obtain further discovery. I propose that we solve both problems by stipulating to an extension of the discovery cut-off until thirty days before the presently-scheduled trial date, pursuant to C.C.P. § 2024(f). It seems that both of us consider that good cause exists for such an extension.

Please advise me promptly whether you will agree to an extension of the discovery cut-off, and whether you will permit an inspection of the Fawn Drive property. In the event that you are unwilling to extend the discovery cut-off so that plaintiff can inspect the property, I will be forced to file a motion for an extension pursuant to C.C.P. §2024(e). Your attention is directed to §2024(e)(4).

Sincerely,

BOWLES & MOXON



Laurie J. Bartilson

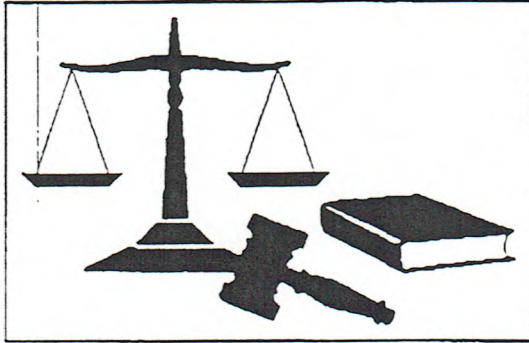
LJB:mfh

cc: Andrew H. Wilson, Esq.
Michael Lee Hertzberg, Esq.
Ford Greene, Esq.
Paul Morantz, Esq.

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	CMD#	STATUS
29	11/17 11:59	415 456 8026	G3--S	01'49"	003	113	OK

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 ATTORNEYS AT LAW
 6255 SUNSET BOULEVARD
 SUITE 2000
 HOLLYWOOD, CALIFORNIA 90028

TELEPHONE (213) 463-4395
 FACSIMILE (213) 953-3351



FAX COVERSHEET

DATE: Nov. 17, '94 TIME: _____

TO: Michael Walton FAX NO: _____

FROM: Laurie Bartilson _____

COMMENTS: re: CSI v Armstrong

There are 3 pages to this transmission, including this page.

CONFIDENTIALITY NOTICE

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WELL RECEIVED: _____
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Thank You.

MICHAEL L. WALTON
ATTORNEY AT LAW
700 LARKSPUR LANDING CIRCLE
SUITE 120
LARKSPUR, CA 94939
(415) 456-7920

November 21, 1994

Ms. Laurie Bartilson
6255 Sunset Boulevard
Suite 2000
Hollywood CA 90028

Re: CSI v. Armstrong #157 680

Dear Ms. Bartilson

I am in receipt of your letter dated November 14, 1994. I disagree with your conclusions stated therein regarding an "inspection" of my home. Should your client obtain a judgment against me which relates to 707 Fawn Drive, my objection to an evaluation might change.

Since real estate values continually fluctuate, the value of 707 Fawn Drive today may be different at the time of the conclusion of the trial some six to seven months from now. Absent a court order, no representative of your client will be permitted entry into my home.

You indicate receipt of my sole objection. If you examine your file you should find the additional objection by my wife. I include a copy herewith.

Be advised that I will oppose any motion to reopen discovery in the Marin action.

Very truly yours,



Michael L. Walton

MLW/
cc: Ford Greene, Esq.
Enclosure